

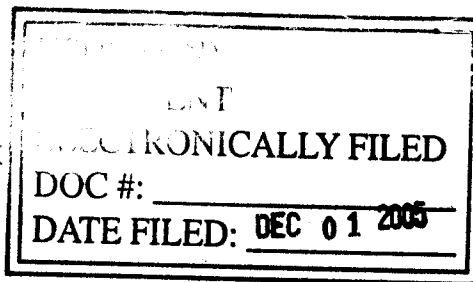
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

VITO FORESTIER,

Defendant.



05CRIM. 1280

COUNT ONE

The Grand Jury charges:

1. On or about November 6, 2005, in the Southern District of New York, VITO FORESTIER, the defendant, unlawfully, knowingly, and intentionally did distribute and possess with intent to distribute a controlled substance, to wit, a substance containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT TWO

The Grand Jury further charges:

2. On or about November 6, 2005, in the Southern District of New York, VITO FORESTIER, the defendant, unlawfully, willfully and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime did possess a firearm, to wit, a loaded Smith and

JUDGE KARAS

Wesson 9 millimeter semi-automatic handgun.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

FORFEITURE ALLEGATION

3. As a result of committing the controlled substance offense alleged in Count One of this Indictment, defendant VITO FORESTIER, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Asset Provision

i. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

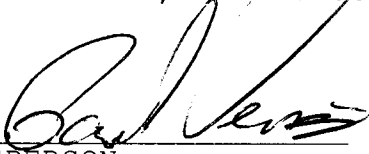
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

